



July 17, 2023

Utah Department of Environmental Quality
ATTN: Division of Air Quality
195 North 1950 West
Salt Lake City, UT 84116

Subject: R307-110-13, Incorporation of Utah State Implementation Plan

Dear Mr. Bares and DAQ Staff,

HEAL Utah appreciates the opportunity to comment on the NAAQS NWF Ozone Moderate Nonattainment Draft SIP.

HEAL Utah is a nonprofit organization that has been working to protect public health and Utah's environment since 1999. We have a team of experts who specialize in a range of environmental and health issues, and we are committed to advancing evidence-based policy to improve environmental health outcomes for all Utah residents. We represent approximately 22,000 supporters who live all over the state of Utah.

We support DAQ's work to ensure that the hot mix asphalt industry will be subject to forthcoming regulatory measures via R307-313, and that natural gas boilers will be addressed through R307-315 and R307-316. Additionally, we appreciate the request to expand the nonattainment area boundary. We have some potential pathways to suggest, which we hope will complement the solutions already being pursued by DAQ.

Solvent Regulation

As DAQ acknowledges, solvents are a significant source of VOCs and their emissions are rising as demonstrated in Fig 4 of Chapter 7. The solvent sector has a substantial potential for ozone emission cuts via the reduction of precursor VOCs. HEAL Utah appreciates the effort to regulate solvents in R307-313, but has identified some additional pathways for regulation.

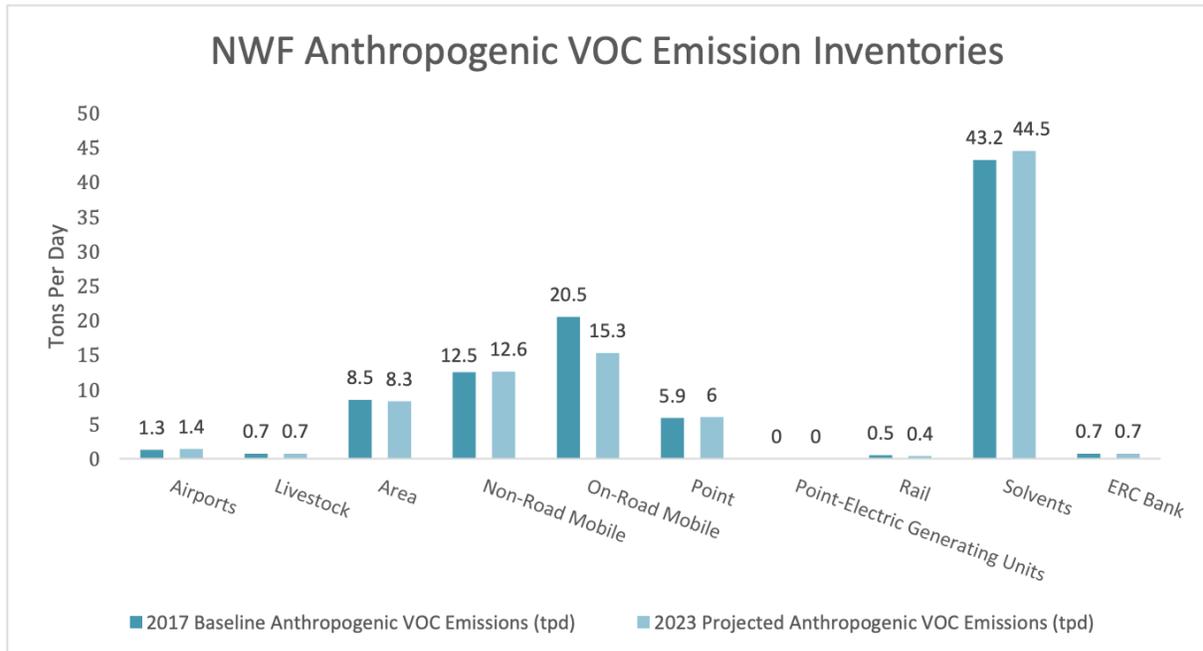


Figure 4: NWF Anthropogenic VOC Emission Inventories

In the Chapter 5 section of the Draft NWF Moderate Nonattainment SIP RACM analysis, several ozone sources are only addressed as “no further action warranted” due to their status as “in line” with the Ozone Transport Commission Model Rule. However, we believe the state of Utah could do more to reduce these sources by considering recently updated examples of ozone regulation to protect the health of communities along the Northern Wasatch Front in controlling ozone pollution.

California has several programs aimed at reducing VOC production, and the Ozone Transport Commission has shaped their model rule based on their recommendations. DAQ is on the right track when it utilizes the OTC Model Rule for several sectors of the solvent industry. However, the California Air Regulation Board (CARB) has since updated their regulatory standards, and some California air quality districts who are out of attainment for ozone have even gone beyond CARB standards in setting their own, more ambitious targets.

While many of the pre-established VOC controls from PM 2.5 SIP work are a good starting point, current Utah rules could be strengthened to match other states' regulations. For example, Utah Code [R307-342](#) detailing regulatory requirements for sealant and adhesives falls short in setting standards for many categories of VOC gram/liter limits as compared to California's [AV1168](#). Amending these rules to bring them up to standard with other states' regulations could provide some additional cuts to the overall anthropogenic inventory. Below is a side by side comparison table of regulatory programs in California and their Utah counterparts.

Regulatory Requirement	California Regulation	Utah Code	Recommendation
Sealants and Adhesives	AV1168	R307-342	Update to California regulatory grade
Consumer Products	Final Regulation Order from Governor from Regulation 21-7 from CARB	R307-357	Draft SIP cites OTC Model Rule as regulatory standard. Latest iteration of OTC Model Rule is based on 2015 CARB regulations, update to current CARB standard
Architectural Coatings	South Coast AQMD Rule 1113	R307-361	Draft SIP cites OTC Model Rule as regulatory standard. OTC Model Rule is less stringent than South Coast AQMD Rule 1113 regulation, update to California regulatory grade

This process could be conducted similarly to DAQ's work with Graphic Arts, as stated in the Draft SIP, instituting BACM in line with the most stringent of California air districts.

It is important to note the latest iteration of consumer product regulations from CARB came as part of an unprecedented seven year long public rule development process to inform the latest iteration of the program put forth in 2019 via [Regulation 21-7](#) and approved in 2021 by [Executive Order R-21-010](#). Rule development staff assessed product data from calendar years 2013, 2014, and 2015 via thorough surveys of consumer product manufacturers and products sold. This generated comprehensive sales, ingredient, emissions, and reactivity data for about one million products from 1,500 manufacturers.

In California, these proposed updated standards for consumer products are expected to reduce VOC emissions by 3 tons per day in 2023 and 9.8 tons per day by 2031 statewide. The latest iteration of the regulations are being adopted in a staggered timeline with a first reduction from 2023-2031, and then a sharper reduction past 2031. In Utah, adoption of similar cuts could make a major dent in the 43.20 tons of VOC emissions per day that come from solvents.

Publicly available [comments](#) from California's 2021 update of solvent regulations reveal substantial support from some industry actors, due in part to their extensive involvement in the rule-making process by CARB. Adoption of a strong regulatory program in Utah that has gathered input from industry could be a useful tool for the state to illustrate completeness for the EPA in their SIP process.

Additionally, Utah consumers wouldn't bear the financial burden of regulatory shift as the market for low-VOC solvents will already be established in California. California's large market share means that since California has already paved the regulatory pathway, these updated products will soon become readily available at an affordable rate. Similarly, the financial risk for consumer product manufacturers is also reduced.

As per Section 19-2-104 of the Utah Code the Utah Air Quality Board has the authority to promulgate rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source." Considering the outsized contribution of VOCs from solvents to our anthropogenic ozone pollution problem, the Utah Air Quality Board should consider following the lead of other states like California, and adopt more stringent solvent regulations.

Utilizing SB 136 and the model of the Texas Emissions Reduction Plan to Further Curb Roadside Emissions

Roadway emissions are an important piece of the equation for ozone pollution. NO_x pollution from on-road mobile sources accounts for the largest portion of DAQ's NO_x inventory found in the Draft SIP (Fig 5 in Chapter 7).

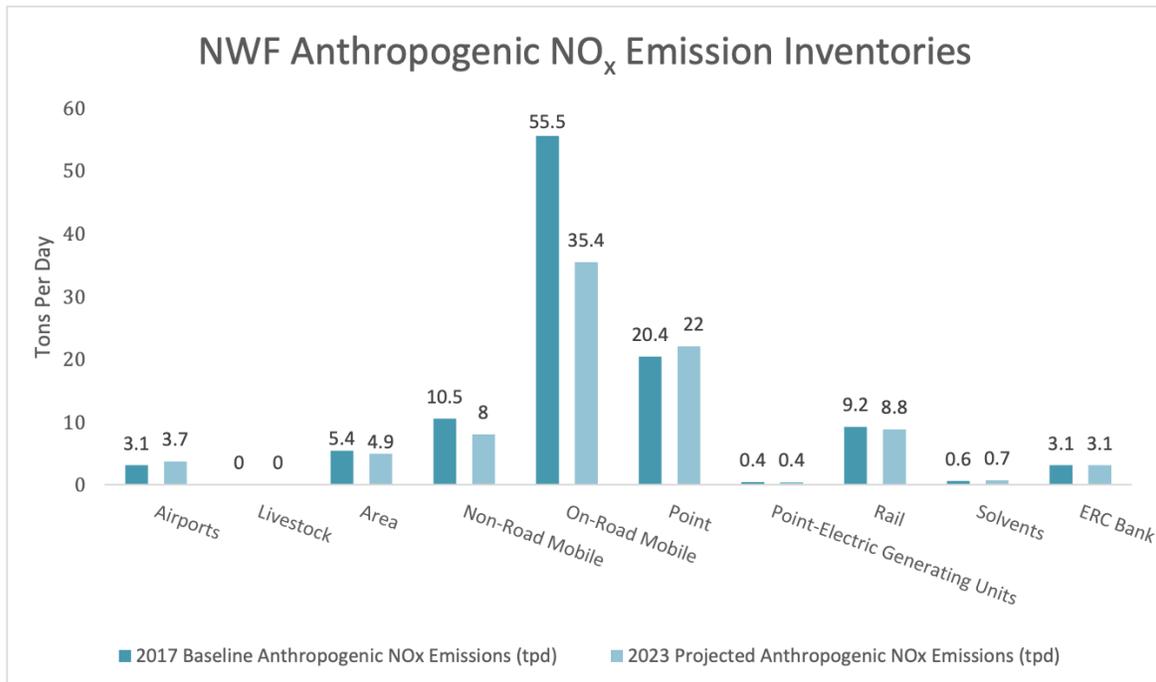


Figure 5: NWF Anthropogenic NO_x Emission Inventories

In 2022, the Utah State Legislature passed Senate Bill 136 which directed the Division of Air Quality to examine potential programs to reduce diesel emissions statewide. The initial inspiration for this piece of legislation was the [Texas Emissions Reduction Program](#) (TERP), a suite of grants transitioning Texas away from higher-emitting diesel engines to cleaner technologies.

HEAL Utah analyzed the TERP program and concluded that it could work effectively in Utah's political landscape. As Texas and Utah share a similar legislative makeup and NAAQS air quality nonattainment status, TERP holds great potential for creating similar roadway ozone precursoremission cuts that could be applied in Utah.

TERP was originally set up for NAAQS attainment compliance. The program applies to nonattainment and near nonattainment areas to reduce NOx emissions – the important complementary ozone precursor to VOCs.

The program has been utilized in [several SIP processes](#) in the state of Texas to demonstrate “Weight of Evidence” and has been successful in dialing back NOx emissions.

As per the [December 2022 TERP Update for the Texas State Legislature](#) the Diesel Emissions Reduction Incentives Program from TERP is set to reduce NOx by 189,151 tons since its inception in 2001. Below is a chart displaying NOx emissions cuts from TERP programs:

TERP Program	Tons of NOx Cut	Cost Per Ton	Tons Per Day (since inception)
Diesel Emissions Reduction Incentives Program	189,151	\$630	24.6 (2001 program inception)
Emissions Reduction Incentive Grant Program	156,281	\$5,796	20.38 (2001 program inception)
Rebate Grants Program	22,852	\$9,131	3.91 (2006 program inception)
Small Business Grants Program	10,958	\$8,933	1.87 (2006 program inception)
Third Party Grant Program	8,694	\$7,532	1.48 (2004 inception)
Texas Clean Fleet Program	704	\$98,594	.16 (2010 inception)
Texas Natural Gas Vehicle Grant Program	1,668	\$32,372	.45 (2012 inception)
Seaport and Railyard Emissions Reduction Program	1,303	\$22,022	.50 (2015 inception)

Over 20 years, the TERP program in its entirety has cut 391,611 tons of NO_x. Averaging these out to tons per day over the lifetime of each of these programs amounts to 53.35 tons per day of NO_x emissions cuts. As NO_x is an important precursor of ozone pollution, this program provides a comprehensive set of tools to address roadway sources for the SIP. The TERP also includes funding for:

- alternative fueling facilities,
- clean school busses,
- light duty motor vehicle purchase and leases,
- governmental alternative fleets,
- energy efficiency programs,
- building performance standards,
- information compilation on energy efficiency and renewable energy programs,
- new technology implementation programs,
- renewable energy storage projects,
- port authority studies,
- regional air monitoring programs,
- air quality research support,
- foreign emissions research,
- and health effects studies,

These programs have no available data for their NO_x emission reductions on top of those listed in the chart above. The entire program is funded by small surcharges on vehicle registration and inspections.

A similar program to TERP in Utah could go a long way toward meeting NAAQS compliance requirements for ozone. Further examination of this program would provide DAQ with a unique opportunity to recommend some of these programs to the state legislature for action.

Potential IRA Programs to Regulate Ozone Precursors

The Inflation Reduction Act provides a plethora of opportunities for Utah to take advantage of. While these programs are mainly targeted at climate initiatives, there are many co-benefits to these programs that could reduce VOC and NO_x emissions.

The White House recently released an 184 page [guidebook](#) explaining the details of the IRA. The following chart is found on page 84 describing the programs which work to cut air pollution:

Agency	IRA Section	Program Name	Amount
Environmental Protection Agency	60201	Environmental and Climate Justice Block Grants	\$3,000,000,000
Environmental Protection Agency	60114	Climate Pollution Reduction Grants	\$5,000,000,000
Department of Transportation	60501	Neighborhood Access and Equity Grant Program	\$3,205,000,000
Environmental Protection Agency	60101	Clean Heavy-Duty Vehicles	\$1,000,000,000
Environmental Protection Agency	60102	Grants to Reduce Air Pollution at Ports	\$3,000,000,000
Environmental Protection Agency	60104	Diesel Emissions Reductions	\$60,000,000
Environmental Protection Agency	60106	Funding to Address Air Pollution at Schools	\$50,000,000
Environmental Protection Agency	60105(d)	Funding to Address Air Pollution: Emissions from Wood Heaters	\$15,000,000
Environmental Protection Agency	60105(f)	Funding to Address Air Pollution: Clean Air Act Grants	\$25,000,000
Environmental Protection Agency	60105(g)	Funding to Address Air Pollution: Mobile Source Grants	\$5,000,000
Environmental Protection Agency	60107	Low Emissions Electricity Program	\$87,000,000

As DEQ is set to administer the Climate Pollution Reduction Grant funding for the State of Utah, these other programs could offer additional support for future regulatory efforts.

Disproportionately Impacted Communities

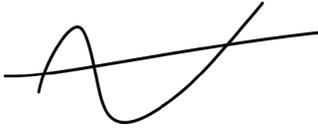
Finally, we encourage the DAQ to continue to seek input and consider the impacts of the current moderate nonattainment, as well as the likely future serious nonattainment designation on disproportionately impact communities within the NWF.

Conclusion

HEAL Utah recognizes the challenges in regulating ozone within the state's political landscape and physical geography. Ozone pollution reduction will improve the collective health of all Utahns. We look forward to collaboratively addressing this issue, working alongside DAQ moving forward.

Thank you for your consideration. If you have any questions please contact me at (801) 652-6397 or alex@healutah.org.

On behalf of HEAL Utah,

A handwritten signature in black ink, consisting of a series of fluid, overlapping loops and a long horizontal stroke extending to the right.

Alex Veilleux
Policy Associate

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